

**IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

TERRY MORROW,

Plaintiff,

vs.

DR. BEN FREEMAN,

Defendant.

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CIVIL ACTION 09-0727-CG-M

ORDER

This matter is before the court on the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B). No objection was filed by the plaintiff to the Report and Recommendation, which recommends dismissal for plaintiff's failure to comply with the Court's orders. After the Report and Recommendation was entered, however, Plaintiff filed a hand written document (Doc. 11) which the court deemed as a motion to proceed with the case., which informed the court that the Plaintiff was out of prison and would be employed by April 11, 2010 at which time he could pay the filing fee "if still required." The motion did not mention the Report and Recommendation, nor did it comply with the previous court orders. On March 20, 2010, the court again mailed the plaintiff a copy of the Report and Recommendation, together with instructions about the necessity for filing a written objection within 14 days if there was any objection to the Report and Recommendation. More than one month has passed since the Report and Recommendation was again mailed to the plaintiff. The Report and Recommendation has not been returned as undeliverable, and plaintiff has filed no objection.

Accordingly, the Report and Recommendation and is **ADOPTED** as the opinion of this Court. It is **ORDERED** that this action be and is hereby **DISMISSED** without prejudice for

failure to prosecute and to obey the Court's Order.

DONE and ORDERED this 22nd day of April, 2010.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE